



Gottesdiener
Law Firm, PLLC

Eli Gottesdiener
eli@gottesdienerlaw.com

(to follow a one hour
face to face meeting
confer)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/14/08

New York | Washington, D.C.
www.gottesdienerlaw.com

498 7th Street
Brooklyn, NY 11215
Tel: 718.788.1500
Fax: 718.788.1650

MEMO ENDORSED

Via facsimile

Hon. P. Kevin Castel
Judge, United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street - Room 2260
New York, New York 10007-1312

Re: *Flagg, et al. v. Skadden, Arps, Slate, Meagher & Flom LLP Pension Plan*
07-cv-7392 (PKC) (HBP)

Dear Judge Castel:

Plaintiffs write to request that the Court extend the deadline for the filing of Plaintiffs' motion to compel discovery until two weeks after the date the Court rules on Plaintiffs' pending motion asking the Court to reconsider its holding, (see Doc. 27, June 18, 2008 Order), that New York's accrual rule applies to Ms. Alvarez's ERISA Claim. Defendant states that it is not opposed to this request. Plaintiffs' motion is otherwise due to be filed today, July 8 (see Doc. 38, item 3).

Plaintiffs are hopeful that the Court will grant their motion which should narrow the scope of the disputes between the parties. Even if not, however, the additional time requested will likely lead to some further narrowing of those disputes or allow for a sharper presentation of the issues dividing the parties.

Plaintiffs note that in a letter dated July 2, 2008, Defendant, for the first time, indicated a willingness to produce (or cause others to produce) additional documents. Although these documents have not yet been produced (as they should have been), the fact that Defendant is no longer categorically refusing to produce additional documents is a positive sign.

For these and such other reasons as may appear to the Court, Plaintiffs respectfully submit their motion to compel would be premature and that good cause exists for the Court to enlarge the deadline as requested above. Plaintiffs note this is their first requested extension of the deadline and if granted it should not adversely affect the other deadlines established in the revised Scheduling Order.

July 8, 2008

*Joint Discovery dispute
letter due July 23rd Joint
Letter should clearly delineate
any dispute that is dependent
upon this Court's ruling and
prior ruling and any dispute
that is not so dependent*

SO ORDERED
[Signature]
USDJ
7-11-08

Hon. P. Kevin Castel
July 8, 2008
Page 2

Gottesdiener Law Firm, PLLC

Sincerely,

/s

Eli Gottesdiener
Attorney for Plaintiffs and the proposed Classes

cc: Henry P. Wasserstein, Esq.
Samuel Kadet, Esq.
James W. Brown, Esq.
Jennifer Cabrera, Esq.